

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN A. DECK,

Plaintiff,

Case No. 05-70189

v.

HONORABLE DENISE PAGE HOOD

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation dated January 10, 2006. Plaintiff filed Objections to Magistrate Judge's Report and Recommendation on February 13, 2006. Defendant filed a Response to Plaintiff's Objections to the Magistrate Judge's Report and Recommendation on February 27, 2006.

Magistrate Judge R. Steven Whalen recommended that the Court grant Defendant's Motion for Summary Judgment, and deny the Plaintiff's Motion for Summary Judgment.

After careful review and consideration, the Court finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge R. Steven Whalen [**Docket No. 23, filed January 10, 2006**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [**Docket No.**

22, filed December 27, 2005] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Docket No. 16, filed November 18, 2005]** is DENIED.

s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: March 27, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 27, 2006, by electronic and/or ordinary mail.

s/William F. Lewis
Case Manager